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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,910	06/25/2003	Gholam-Abbas Nazri	GP-302465	4338
75	90 04/29/2005		EXAM	INER
KATHRYN A MARRA			BOS, STEVEN J	
General Motors Corporation Legal Staff, Mail Code 482-C23-B21			ART UNIT	PAPER NUMBER
P.O. Box 300 Detroit, MI 48265-3000		1754		
			DATE MAILED: 04/29/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/603,910							
Examiner Steven Bos 1754 1754		Application No.	Applicant(s)				
Steven Bos 1754 1764 1	Office Asking Summer	10/603,910	NAZRI ET AL.				
Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Bearlians of time may be available under the provision of 37 CPR 1.136(a). In no event, however, may a reply be timely filled after SX (6) MONTHS from the mailing date of this communication. - Bit he period for reply specified above, the readment standary period will apply and will expire SX (5) MONTHS from the mailing date of this communication. - Bit he period for reply specified above, the readment standary period will apply and will expire SX (5) MONTHS from the mailing date of this communication. - Bit he period for reply specified above, the readment standary period will apply and will expire SX (5) MONTHS from the mailing date of this communication, even if timely filled, may reduce any analyse and state the replacement of the standard provided by the Office late than there mention after the mailing date of this communication, even if timely filled, may reduce any analyse and state the standard provided and the standard provided and state the mailing date of this communication, even if timely filled, may reduce any analyse and a state	Oπice Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ■ Educations of time may be available under the provisions of 37 CFR 1:13(a). In no event, however, may a risply be timely filled with S16 (i) MONTH's from the mailing date of the communication. ■ IN Operiod for reply is specified above, the maximum statutory period will apply early will expire S1X (6) MONTH's from the mailing date of this communication. Palmire note by within the saturation by the Office lated than the number and the mailing date of this communication. Palmire note by within the saturation to become ABANDONED (SI U.S. C. \$1330). Any reply reached by the Office lated than three mailing date of this communication, even if timely filled, may reduce any variety presented by the Office lated than three mailing date of this communication, even if timely filled, may reduce any variety principle than the properties of the communication, even if timely filled, may reduce any variety principle than the properties of the communication, even if timely filled, may reduce any variety principle than the properties of the communication, even if timely filled, may reduce any variety principle. 1) □ Responsive to communication(s) filled on 10 February 2005. 2a) □ This action is FINAL. 2b) ☑ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-11 is/are pending in the application. 4) □ Claim(s) 1-11 is/are rejected. 5) □ Claim(s) 1-11 is/are rejected. 7) □ Claim(s) 1-11 are subject to restriction and/or election requirement. Application Papers 9) □ The drawing(s) filed on 25 June 2003 is/are: a □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on 25 June 2003 is/are: a □ accepted or b) □ objected to by the Examiner. Applicant ma		0.000					
THE MAILING DATE OF THIS COMMUNICATION. - Estandard stime may be variable under the provisions of 3 CFR 1.33(s). In no event, however, may a 'reply be timely filled after Six (6) MONTHS from the mailing date of this communication. - If the pretiod for early specified above, the maturity (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - Provision of the pretion of the priority documents have been received. - Priority under 35 U.S.C. § 119 - Priority under 35 U.S.C		ication appears on the cover she	et with the correspondence address				
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application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
* See the attached detailed Office action for a list of the certified copies not received.			been received in this National Stage				
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Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)		4) T 1-4	view Summary (PTO 413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	2) Notice of Draftsperson's Patent Drawing Review (P	O-948) Pape	r No(s)/Mail Date				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6-2003,4-2005. 5) Notice of Informal Patent Application (PTO-152) 6) Other:	3) Information Disclosure Statement(s) (PTO-1449 or I	PTO/SB/08) 5) Notice					
I.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Part of Paper No./Mail Date 04182005		Office Action Summary	Part of Paper No./Mail Date 04182005	1			

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5,10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 5,10, "LiNiO₂ type" is indefinite as it extends the scope of LiNiO₂. See MPEP 2173.05(b)E.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitate '488.

Mitate teaches the instantly claimed process but may differ in that it does not specifically state that upon heating the body of crystal compounds water is removed from the crystals and to form a liquid mixture containing water and a uniform distribution of metal elements. See cols. 6, 10, 12, 38, 39, 43, 45, 46. Removal of water is suggested by the taught dehydration by preliminary calcination. See col.12. Also, see examples 201, 202-205, 211, 212, 213-216 for cobalt nitrate hexahydrate and aluminum nitrate enneahydrate (Al(NO₃)₃ 9H₂O).

Mitate suggests the above difference by teaching that lithium nitrate trihydrate and nickel nitrate hexahydrate are mixed and heated to form a homogeneous mixture. See cols. 10,11. This suggests the original mixture of lithium nitrate trihydrate and nickel nitrate hexahydrate was solid and then heated to dissociate the water which would then participate in forming the melt.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Bos whose telephone number is 571-272-1350.

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The examiner can normally be reached on M-F, 8AM-6PM but is on increased flexitime sch.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven Bos

Primary Examiner
Art Unit 1754

sjb